

MYSORE COMPULSORY PRIMARY EDUCATION BILL, 1961
CONSIDERATION CLAUSE BY CLAUSE

Clause 2

Smt. GRACE TUCKER (Deputy Minister for Education).—I beg to move:

“That in sub-clause (4), after the words “any person”, the words, “having the prescribed qualifications”, shall be inserted”.

Mr. DEPUTY SPEAKER.—Amendment moved:

“That in sub-clause (4), after the words “any person”, the words, “having the prescribed qualifications” shall be inserted”.

†Smt. GRACE TUCKER.—Sir, we want to prescribe certain qualifications for appointment as the attendance authority. We want to have a person who has a certain status and who would be able to exercise effective control. We would like to prescribe the qualifications which a person should possess for appointment as the attendance authority. This amendment is moved with that end in view.

Mr. DEPUTY SPEAKER.—The question is:

“That in sub-clause (4), after the words “any person”, the words, “having the prescribed qualifications”, shall be inserted”.

The amendment was adopted

Mr. DEPUTY SPEAKER.—Sri V. S. Patil is not here. The question is: “That clause 2 as amended stand part of the Bill.”

The motion was adopted.

Clauses 2 as amended was added to the Bill.

Clauses 3 to 6

Mr. DEPUTY SPEAKER.—The question is:

“That clauses 3 to 6 both inclusive stand part of the Bill.”

The motion was adopted.

Clauses 3 to 6 both inclusive were added to the Bill.

Clause 7

Smt. GRACE TUCKER.—I beg to move :

“That in sub-clause (f), after words “leave of absence”, the words, “not exceeding the prescribed period” shall be inserted.”

Mr. DEPUTY SPEAKER.—Amendment moved.

“That in sub-clause (f), after the words, “leave of absence”, the words, “not exceeding the prescribed period” shall be inserted.”

Smt. GRACE TUCKER.—In granting a period of absence which would be condoned, we want to restrict it to a particular period.

Sri M. C. NARASIMHAN.—What is the prescribed period you want to have?

Smt. GRACE TUCKER.—We have not decided the matter yet. If a child is ill, it may be that the illness will last for a long period. We may have to condone that absence.

Sri M. C. NARASIMHAN.—When the period prescribed and absence is made penal, is it not necessary to have the principles on which the prescribed period is to be based.

Smt. GRACE TUCKER.—It may be some compelling reason. A child may have to be given leave under such circumstances. We will have to prescribe the period under certain rules.

†Sri M. C. NARASIMHAN (K.G.F.).—Sir, I would submit that so far as that clause is concerned, it looks rather innocuous in the sense power is taken in the main section to have prescribed period of absence. But it is very necessary that in the main section the types of absence and the reasons therefor, which are considered *bona fide* for the purpose, should be indicated. Otherwise it will lead to misuse. If we do not mention in the main section itself, it is likely to be abused and wide powers are sought to be taken through these clauses which at least the Hon'ble Minister must be able to say what those conditions are in which absence would be condoned or it would be treated as absence permissible. Supposing it is a question of sickness. There is no question of prescribing the outer condition. But there may be delinquency for some other reason. Whether the period is going to be 15 days or a month should be prescribed. Since it is a penal provision, it is absolutely necessary that some period should be prescribed and indicated in the main section. Otherwise, it is dangerous to give power to the Government in this regard.

†ಶ್ರೀ ಸಿ. ಜಿ.ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಒರಿಜನರ್ ಬಿಲ್ಲನಲ್ಲರಿವವಕ್ಕೂ ಇವಕ್ಕೂ ಏನು ವ್ಯತ್ಯಾಸ ಕಾಣುವದಿಲ್ಲ. ವೀನಲೈಸ್ ಮಾಡುವ ಅಧಿಕಾರ ಯಾರ ಕೈಗೆ ಕೊಡುತ್ತಿದ್ದೀರ? ಪಂಚಾಯಿತಿ ಥೇರ್ಮನ್, ವೈಸ್ ಥೇರ್ಮನ್ ಹೊಮ್ಮಕ್ಕು ಕೈರಲ್ಲಿ ಅಧಿಕಾರ ಕೊಡುತ್ತಿದ್ದೀರ. ಪಂಚಾಯತ್ ರಾಜ್ ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿವೆಂದು ಇವತ್ತು ಕಮ್ಯೂನಿಟಿ ಡೆವಲಪ್‌ಮೆಂಟ್ ಮಿನಿಸ್ಟರಾದ ಶ್ರೀ ಡೇಯವರು ದೊಡ್ಡದಾದ ಸ್ಪೆಷಿಲಿಟಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅದಕ್ಕೋಸ್ಕರವಾಗಿ ಸರ್ಕಾರದವರು ಇದನ್ನು ಸ್ವಲ್ಪ ಎಚ್ಚರಿಕೆಯಿಂದ ಯೋಚನೆ ಮಾಡಬೇಕು. ಏಕೆಂದರೆ ನನಗೆ ಯಾರಾವರೂ ಆಗದೆ ಇರುವವರು ಇದ್ದಾರೆ. ಒಂದು ಕೆಲಸ ಹಾಕಿ ಹೆರಾಸ್ ಮಾಡಬಹುದು. ನೀವು ನಾನು ಹೇಳುವ ಅಂಶ ವನ್ನು ಸ್ವಲ್ಪ ಕೂಲಿಗುತವಾಗಿ ವಿಮರ್ಶೆ ಮಾಡದೆ ಹೋದರೆ ದೇಶದಲ್ಲಿ ದುರಂತವಾಗಿ, ಗಲಾಟೆ ಯಾಗಿ ಹೊಡೆದಾಡುವಾಗಿದ್ದು, ಈ ಕೋರ್ಟುಗಳನ್ನು ಬಿಟ್ಟು, ಕ್ರಿಮಿನಲ್ ಕೋರ್ಟುಗಳಿಗೆ ಹೋಗಬೇಕಾಗುತ್ತದೆ. ಆಗ ಕಡ್ಡಾಯ ಶಿಕ್ಷಣದ ಸಮುದ್ದೇಶ ಈಡೇರುವುದಿಲ್ಲ. ಸ್ಟ್ಯಾಟೂಟ್ ಪ್ರಕಾರ ಮಕ್ಕಳ ಆಪ್ತನೈಗೆ ತಂದೆ ತಾಯಿಗಳು ಆವಾಗ್ಯೆ ಆವಾಗ್ಯೆ ಅಚ್ಚಿಡೆನ್ಸ್ ಅಥಾರಿಟಿಗಳಿಗೆ ರಿಪೋರ್ಟು ಕೊಡಬೇಕು. ಖಾಸಿ ವಾಸಿಯಾಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದರೆ ಮಕ್ಕಳಿಗೂ ತಂದೆ ಯಾಗುತ್ತದೆ, ತಂದೆ ತಾಯಿಗಳಿಗೆ ತಂದೆದರೆಯಾಗುತ್ತದೆ, ಆಡಳಿತ ನಡೆಸತಕ್ಕಂಥ ಅಚ್ಚಿಡೆನ್ಸ್ ಅಥಾರಿಟಿಗಳಿಗೆ ತಂದೆದರೆಯಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ದೀರ್ಘವಾಗಿ ಯೋಚನೆಮಾಡಿ ಈವಾಗಲೇ ಕಾನೂನಿನಲ್ಲಿ ಸೂಕ್ತವಾದ ಪ್ರಾವಿಷನ್ ಅಡಕ ಮಾಡುವುದು ಒಳ್ಳೆಯದು.

† Smt. GRACE TUCKER.— The House may be assured that it is only because of certain imperative needs that leave of absence would be given and that is why we have also thought of prescribing a period for that. It is not only because of illness, but the Central Government in their model Bill, have even suggested one or two reasons, like the harvest period and so on. We should try to help the children as much as possible. As far as delinquency for any reason is concerned, I do not think we would be able to give any practical protection either to the parents or whoever may make this offence and even to the child. Once Government have thought that it is due to delinquency, we will certainly not be able to give any protection or any leave at all.

Sri M. C. NARASIMHAN.— For the delinquency of the child, you are punishing the parent.

Smt. GRACE TUCKER.— We will not be able to give anything more than a certain period. That is the point. So, we have to think of various circumstances under which a boy or girl would be absent and we will have to give a certain prescribed period. So these will come under the rules. We will not be able to say how long it can be. Illness can go on even for three months.

Mr. DEPUTY SPEAKER.— The question is :

“That in sub-clause (f), after the words, ‘leave of absence’ the words ‘not exceeding the prescribed period’ shall be inserted.”

The amendment was adopted,

Mr. DEPUTY SPEAKER.— There is an amendment by Sri V. S. Patil:

Sri V. S. PATIL.— Sir, I beg to move :

“That sub-clause (c) of clause 7 shall be deleted.”

Mr. DEPUTY SPEAKER.— Amendment moved :

“That sub-clause (c) of clause 7 shall be deleted.”

† Sri V. S. PATIL.— Sir, Clause 7 relates to reasonable excuse for non-attendance. Here in sub-clause (c) a child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by the officer authorised by the State Government in this behalf. I am objecting to this particular clause because we want education atleast at the primary stage of the same kind being given to all our children in the State. There should not be any distinction between the rich and poor as it now exists. At present Sir, the rich people can send their children to special type of instruction and the rest of the population has to suffer by a sort of backwardness. So, this sort of discrimination which comes of the standard of living of their parents should not be recognised at least at the primary stage. At the primary stage, every one whether rich or poor, to whatever community he may belong, the child must take the same kind of education under the same circumstances. That is one of the ways in which we can try to wipe out the present

classification of our society in India ; and that is why I have moved that this particular clause which seeks to give a favoured treatment to the richer classes, should not be there in the enactment. And so I move the amendment and I hope that the Hon'ble Deputy Minister may please consider my amendment and accept it.

Sri M. C. NARASIMHAN.—May I know if it is to be prescribed under the rules ?

Smt. GRACE TUCKER.—No. we have thought of chiefly the floating population for whom we will not be able to provide schools in the minority languages. Supposing there are one or two Bengali families, we will not be able to provide schools completely for them. So, we want to say that if a group of children are taking instruction in their own language and if the State Government is satisfied that these children are taking instruction, they can be allowed. That is why, I have to oppose this amendment. I can assure the Hon'ble Member that there is no difference in the pattern of education that is being formulated. There may be different schools, but as far as the syllabus of education which is being given in various schools the Hon'ble Member may be rest assured that the type of education is the same, at the primary stage, I would therefore suggest that he may even withdraw the amendment.

Sri V. S. PATIL.—I ask for the permission of the House to withdraw the amendment.

The amendment was by leave of the House withdrawn.

Mr. DEPUTY SPEAKER.—The question is :

“ That Clause 7, as amended, stand part of the Bill.”

The motion was adopted

Clause 7, as amended, was added to the Bill.

Mr. DEPUTY SPEAKER.—Clauses 8 to 14 both inclusive. The question is :

“ That clauses 8 to 14 both inclusive. stand part of the Bill.”

The motion was adopted

Clauses 8 to 14 both inclusive were added to the Bill.

2-30 P.M.

Mr.—DEPUTY SPEAKER.—Clause 15.

Smt. GRACE TUCKER.—I beg to move :

For sub-clauses (a) and (b), the following sub-clauses shall be substituted, namely :—

(a) if the person committing the offence resides in an urban area in which one or more courts of a magistrate is located, such court having jurisdiction over the area in which such person resides ;

(Smt. GRACE TUCKER)

(b) if the person committing the offence resides in any urban area, other than area referred to in clause (a), within the jurisdiction of a local authority constituted and functioning for the area under any law for the time being in force, the Primary School Panchayat Court constituted as specified in section 16 for that area;

(c) if the person committing offence resides in any village within the jurisdiction of a village panchayat or a town panchayat constituted and functioning under the Mysore Village Panchayats and Local Boards Act 1959, the Primary School Panchayat Court constituted as specified in section 16 for that village;

(d) if the person committing the offence resides in any area other than an area to which clause (a) (b) or (c) is applicable, the court of the magistrate having jurisdiction in such area”.

Mr. DEPUTY SPEAKER.—Amendment moved :

That for sub-clauses (a) and (b), the following sub-clauses shall be substituted, namely :—

“(a) if the person committing the offence resides in an urban area in which one or more courts of a magistrate is located, such court having jurisdiction over the area in which such person resides ;

(b) if the person committing the offence resides in any urban area, other than an area referred to in clause (a), within the jurisdiction of a local authority constituted and functioning for the area under any law for the time being in force, the Primary School Panchayat Court constituted as specified in section 16 for that area ;

(c) if the person committing the offence resides in any village within the jurisdiction of a village panchayat or a town panchayat constituted and functioning under the Mysore Village Panchayats and Local Boards Act, 1959, the Primary School Panchayat Court constituted as specified in section 16 for that village ;

(d) if the person committing the offence resides in any area other than an area to which clause (a), (b) or (c) is applicable, the Court of the Magistrate having jurisdiction in such area”.

Sri V. SRINIVASA SHETTY.—Sir, I beg to move the following amendment to the amendment :

“That in item (a) the word ‘Urban’ shall be deleted ;

For the proposed items (b), (c) and (d) by the Minister for Education the following items shall be substituted :

“(b) the Government may for sufficient reasons, establish Court or Courts, specifically for the trial of cases under this Act, with defined jurisdictions in each district”.

Mr. DEPUTY SPEAKER.—Amendment to amendment moved.

“That in item (a) the word ‘Urban’ shall be deleted ;

For the proposed items (b), (c) and (d) by the Minister for Education the following items shall be substituted :

“(b) the Government may for sufficient reasons, establish Court or Courts, specifically for the trial of cases under this Act, with defined jurisdictions in each district”.

Sri V. S. PATIL.—I beg to move my amendment to the amendment :

“That in the proposed amendment No. (3), in sub-clause (c), after the words ‘ Village Panchayats and Local Boards Act, 1959,’ the words ‘the Nyaya Panchayat at wherever it exists and in its absence’ shall be substituted,”

Mr. DEPUTY SPEAKER.—Amendment to amendment moved.

“That in the proposed amendment No. (3), in sub-clause (c), after the words ‘ Village Panchayats and Local Boards Act, 1959,’ the words ‘the Nyaya Panchayat wherever it exists and in its absence’, shall be substituted.”

†Sri V. SRINIVASA SHETTY.—Sir, we have already stated that we are against this provision for creating Primary School Panchayat Courts under this Act because we know well how the village panchayats function. Even the Central Minister Sri S. K. Dey said very recently that the working of village panchayats is not at all satisfactory and that only a few panchayats were working fairly. Even the member on the other side vehemently said the other day that in view of the party factions in the villages, this is a dangerous provision. In view of this I do not know why the Government insist on this as an ideal. Do they want this Act to be worked by the Panchayats only to end in total failure? When the village panchayats enter the picture, we can imagine what will happen. One apprehension in the mind of Government seems to be that there may be too many cases for the courts to cope with, but I do not apprehend there would be too many cases. If Government find that the existing courts are not in a position to manage the cases, then Government may take power to appoint one or more magistrates in each district to try these cases. There is absolutely nothing wrong in it. If they are not prepared to spend a few thousand rupees for this purpose, I do not understand their idea. So I commend my amendment for the acceptance of the House.

†Sri V. S. PATIL.—Sir, the Hon'ble Member Sri Shetty has argued his point against the establishment of panchayat courts. In a way he is right, but at the same time we have to remember that we are enforcing compulsory primary education in villages. In the urban area people are trying to send their children and I do not think any compulsion is required. But in villages it is difficult to make the children come to school. Unless the leaders of the village take it

(Sri V. S. PATIL)

into their heads that the children are sent to school it is very difficult to enforce this Act even if Government try to enforce it. So the full co-operation of the villagers is quite essential for the implementation of this Act. That is why I had suggested last time that village panchayat committees should be formed in order to help or supervise the working of the schools in villages. In the Bombay area we have Nyaya Panchayats and they are functioning as Nyaya Panchayats trying small offences entrusted to them. They are functioning well in the Bombay area for the past 10 years. Instead of having a separate committee as suggested by the Deputy Minister if these powers are given to the Nyaya Panchayat I think they can persuade the parents to send their children to school and there will not be necessity to enforce this Act in a criminal court. These cases will arise mostly where parents are poor and are unable to send their children to school as they would be helping them in their profession. That is why it is suggested that wherever there are Nyaya Panchayats this power should be given to them so that they may persuade the parents to send their children to school. Where there is no Nyaya Panchayat, separate committees as suggested by the Deputy Minister may be formed.

MR. DEPUTY SPEAKER.—The Deputy Minister for Education will reply.

Sri C. M. ARUMUGHAM.—Sir, I want to speak on the Amendment.

MR. DEPUTY SPEAKER.—There is no time.

Sri C. M. ARUMUGHAM.—It is my right to speak on the amendment and there is no question of time. Please tell me under what provision of the rule you say that I should not speak.

MR. DEPUTY SPEAKER.—There is no time. He should take his seat.

Sri C. M. ARUMUGHAM.—Why should I take my seat?

MR. DEPUTY SPEAKER.—He is obstructing the business of the House.

Sri C. M. ARUMUGHAM.—You are curtailing my privilege to speak on the amendment.

MR. DEPUTY SPEAKER.—There are only 5 minutes left. The Minister has to reply and the amendments have to be put to vote.

Sri C. M. ARUMUGHAM.—I will speak on every amendment.

MR. DEPUTY SPEAKER.—He should not argue like that? Is he obeying or not?

Sri C. M. ARUMUGAAM.—Why should I obey?

MR. DEPUTY SPEAKER.—There are only 5 minutes left. Otherwise I will apply guillotine and put the motion to the House.

Sri KADIDAL MANJAPPA.—The Chair was pleased to say that because of the time limit, no more Hon'ble Members can be given opportunity to speak.

†Sri ANNARAO GANAMUKHI (Minister for Education).—Sir, the amendment moved by Sri V. Srinivasa Shetty and Sri V. S. Patil are self contradictory. Sri Patil contends that the Nyaya Panchayats which are functioning in the Bombay area should be authorised to inquire into such cases. Sri Srinivasa Shetty wants, instead of my amendment, the Government to establish Court of Courts, specifically for the trial of cases under this Act, with defined jurisdictions in each district. It means a new set of magistrates.

Sri V. SRINIVASA SHETTY.—I want the present Magistrate to continue. If the Government feels that it is not working properly or to their satisfaction, they may appoint other magistrates.

Sri ANNARAO GANAMUKHI.—In ex-Mysore area, the Amildars were given this power. We know that these cases were not decided in 1 to 2 years. Moreover, this has been examined by the experts at the highest level. The All-India Council for Elementary Education has approved of the procedure in the case of all the bills to be brought in, in other States also. The apprehension is, there will be faction in the Village Panchayats and therefore there is reasonable chance of mis-using the power in favour of or against some persons. Sir, it is the Attendance Officer who puts such complaints before the Panchayat Courts. The Chairman and the Vice-Chairman are assisted by the Secretary. So, there is no chance to give scope to private person to give such complaints, even if there is factions in the village. I do not think that the Attendance Officer, who will be a Government Official appointed by the local bodies, will launch such cases against persons who are not defaulters. If we invest these powers with the magistrates whose courts are located in the divisional headquarters and sub-divisional headquarters and the people against whom these cases are launched, will have to go all the way. So, in order to facilitate such people, we have devised this method. Not only we but the All-India Council for Elementary Education also has approved that these Panchayat Boards should be established for that purpose and it is these courts who should take cognizance of the cases and try them. Sir about the summary procedure, my friend complained that they are illiterate and they cannot follow that procedure. If we have no faith in the Chairman and the Vice-Chairman of the Panchayat, we cannot live in democracy. If the apprehension expressed comes true in future, then we can think of amending this. Mr. Patil has said that the Nyaya Panchayats are a success in Bombay, Karnatak area. So, why should we have this apprehension in old Mysore area?

Sri C. J. MUCKANNAPPA.—Sir, in my area, I know there are half a dozen persons who are presidents, who cannot put their signatures.

Sri ANNARAO GANAMUKHI.—Sir, I know there are graduates also Sir, as far as Mr. Patil's amendment is concerned, Government itself is thinking to bring in a uniform Bill for Nyaya Panchayat throughout the State. I oppose these amendments.

MR. DEPUTY SPEAKER.—I will put the amendment of Sri V. Srinivasa Shetty. The question is:

“That for the proposed items (b) (c) and (d) the following items shall be substituted.—

“(b) The Government may for sufficient reasons, establish Court or Courts, specifically for the trial of cases under this Act, with defined jurisdictions in each district.”

MR. DEPUTY SPEAKER.—I think the ‘Ayes’ have it.

Sri S. D. KOTHAWALE —Sir, I demand a division.

(The division bell was rung for 2 minutes)

MR. DEPUTY SPEAKER.—I will put the amendment to the House. The question is:

“That for the proposed items (d) (c) and (d) the following items shall be substituted —

“(d) The Government may for sufficient reasons, establish Court or Courts, specifically for the trial of cases under this Act, with defined jurisdictions in each district.”

The amendment was negatived

3 00 P. M.

Sri C. J. MUCKANNAPPA.—Sir, this is a strange procedure. When the amendment was put to vote, we said ‘Ayes’, There was one solitary voice that of the Hon’ble Minister for Education against the amendment. You said that you would again put the matter to vote. Is that correct?

Sri G. PUTTANNA.—It is illegal.

MR. DEPUTY SPEAKER.—I cannot help. A division was asked for.

Sri C. J. MUCKANNAPPA.—No division was asked.

Sri KADIDAL MANJAPPA.—We did ask for a division. There is no question about that.

Sri ANNARAO GANAMUKHI.—I asked for a division.

MR. DEPUTY SPEAKER.—I will now put Sri V. S. Patil's amendment to vote.

Sri V. S. PATIL.—I would withdraw the amendment.

Leave for withdrawal was refused by the House

MR. DEPUTY SPEAKER.—The question is.

“That in the proposed amendment No. (3) in sub-clause (c), after the words village panchayats and Local Boards Act,

1959,' the words 'the Nyaya Panchayat wherever it exists and in its absence', shall be substituted".

The amendment was Negatived

MR. DEPUTY SPEAKER.—I will put the Government's amendment to vote; The question is.

"That for sub-clauses (a) and (b), the following sub-clauses shall be substituted, namely:—

"(a) if the person committing the offence resides in an urban area in which one or more courts of a magistrate is located, such court having jurisdiction over the area in which such person resides?

(b) if the person committing the offence resides in any urban area, other than an area referred to in clause (a), within the jurisdiction of a local authority constituted and functioning for the area under any law for the time being in force the Primary School Panchayat Court constituted as specified in section 16 for that area;

(c) if the person committing the offence resides in any village within the jurisdiction of a village panchayat or a town panchayat constituted and functioning under the Mysore Village Panchayats and Local Boards Act, 1954, the Primary School Panchayat Court constituted as specified in section 16 for that village;

(d) if the person committing the offence resides in any area other than an area to which clause (a), (b) or (c) is applicable, the Court of the magistrate having jurisdiction in such area".

The amendment was adopted

MR. DEPUTY SPEAKER.—The question is:—

"That clause 15 as amended part of the Bill."

The motion was adopted

Clause 15 as amendment was added to the Bill.

SRI. V. SRINIVASA SHETTY.—I rise on to a point of order. My amendment was carried without any objection. What was asked for by the other side was not a division.

MR. DEPUTY SPEAKER.—The House will now rise and meet after half an hour.

The House adjourned for recess at Five Minutes past Three of the Clock and reassembled at Thirty-five Minutes past Three of the Clock.

(Mr. DEPUTY SPEAKER in the Chair)

Clause 16.

Smt. GRACE TUCKER.—I beg to move.

(1) "That for sub-clauses (1) and (2), the following sub-clauses shall be substituted, namely:—

(1) Every Primary School Panchayat Court shall consist of the following three members, namely:—

(a) In the case of an urban area referred to in clause (b) of section 15.

(i) the President or Chairman of the local authority of such urban area;

(ii) the Vice-President or Vice-Chairman of the Local authority of such urban area;

(iii) a lady member of such local authority, and where there is no lady member, any other member of such local authority, appointed by the Director.

(b) in the case of a village referred to in clause (c) of section 15,

(i) the Chairman of the Village Panchayat or Town Panchayat, as the case may be;

(ii) the Vice-Chairman of the Village Panchayat or Town Panchayat as the case may be;

(iii) a lady member of the Village Panchayat or Town Panchayat, as the case may be, appointed by the Director.

(2) The President or the Chairman shall be the Chairman of the Primary School Panchayat Court, and in the absence of the President or the Chairman, the Vice-President or the Vice-Chairman shall be the Chairman of the Court'.

(2) In sub-clause (5), for the words, "a magistrate", the words "a magistrate of the Second Class", shall be substituted.

Mr. DEPUTY SPEAKER.—Amendment moved:

(1) "That for sub-clauses (1) and (2); the following sub-clauses shall be substituted, namely:—

(1) Every Primary School Panchayat Court shall consist of the following three members, namely:—

(a) In the case of an urban area referred to in clause (b) of section 15.

(i) the President or Chairman of the local authority of such urban area;

(ii) the Vice-President or Vice-Chairman of the Local authority of such urban area;

(iii) a lady member of such local authority, and where there is no lady member, any other member of such local authority, appointed by the Director.

(b) in the case of a village referred to in clause (c) of section 15,

(i) the Chairman of the Village Panchayat or Town Panchayat as the case may be;

(ii) the Vice-Chairman of the Village Panchayat or Town Panchayat as the case may be;

(iii) a lady member of the Village Panchayat or Town Panchayat, as the case may be appointed by the Director.

(2) The President or the Chairman shall be the Chairman of the Primary School Panchayat Court, and in the absence of the President or the Chairman, the Vice-President or the Vice-Chairman shall be the Chairman of the Court.

(2) In sub-clause (5), for the words, "a magistrate", the words "a magistrate of the Second Class", shall be substituted.

MR. DEPUTY SPEAKER.—Sri V. S. Patil and B. R. Sunthakar have tabled amendments to the amendment.

Sri V. S. PATIL. In the proposed amendment No. 4 given notice of by the Minister for Education, I beg to move.

"That in sub-clause (1) (a) (iii), for the words "appointed by the director" the words "elected by the Panchayat", shall be substituted."

MR. DEPUTY SPEAKER.—Amendment to amendment moved.

"That in sub-clause (1) (a) (iii), for the words "appointed by the director", the words "elected by the Panchayat", shall be substituted."

Sri V. S. PATIL.—In the proposed amendment No. 4, given notice of by the Minister for Education, I beg to move:

"That in sub-clause (1) (b) (iii), for the words "appointed by the Director", the words "if there are more lady members in the panchayat than one, then elected by the Panchayat" shall be substituted."

MR. DEPUTY SPEAKER.—Amendment to amendment moved.

"That in sub-clause (1) (b) (iii), for the words "appointed by the Director", the word "if there are more lady members in the panchayat than one, then elected by the Panchayat" shall be substituted."

Sri B. R. SUNTHANKAR.—In the proposed amendment No. 4 given notice of by the Minister for Education, I beg to move.

"That in sub-clause (1) (a) (iii) for the words, "any other member of such local authorities appointed by the Director", the words "a woman ordinarily residing in the area over which

(Sri B. R. SUNTHANKAR)

the local authority has jurisdiction, appointed by the Government", shall be substituted."

MR. DEPUTY SPEAKER.—Amendment to amendment moved.

"That in sub-clause (1) a) (iii) for the words "any other member of such local authorities appointed by the Director", the words "a woman ordinarily residing in the area over which the local authority has jurisdiction, appointed by the Government," shall be substituted."

Sri B. R. SUNTHANKAR.—I beg to move:

"That in sub-clause (1) (b) (iii) for the word 'Director', the word 'Government' shall be substituted."

MR. DEPUTY SPEAKER.—Amendment moved.

"That in sub-clause (1) (b) (iii), for the word "Director" the word "Government", shall be substituted."

3-00 P. M.

† Sri V. S. PATIL.—Sir, I have moved these two amendments with a view to give an impetus to our decided aim of decentralisation of power. We have established village panchayats with the sole purpose that the people should have their own sight and as far as possible we should do away with nominations where they are done by an officer, that is, Director or by the Government. So the principle of nomination should not take place wherever we can have members from the elected body. Here Sir, in the amendment the Government have proposed for the chairman and vice-chairman of these elected bodies as members *ex-officio*. About the third member who is a lady member, according to the amendment, if there are more lady members of the panchayat or the local authority, then the question would arise, who is to serve on this particular panchayat court. If there is only one lady member, she must automatically become a member of this panchayat court. There is no question of nomination. If there are more, then only the question would arise, who is to act on this particular body. When we are giving the power to constitute this court to the Chairman or the vice-chairman who are elected persons from these bodies, then why should not give the same thing to the lady member who is to be elected by that body alone. So, two members are to be elected by that body and the third member will be a lady member, but that person is to be nominated by the Director or by the Governments. That is why in order to have the basic principle of election rather than nomination, I have suggested this amendment. I think there is no harm in giving this power to the local authority to elect their own chairman.

I therefore submit that the Government may please consider my proposal to have the amendment in order to give effect to the basic principle of election rather than nomination.

†Sri B. R. SUNTHANKAR (Belgaum).—Sir, there are two important points in the amendment that I have proposed. Firstly it is the intention of the original Bill to have one lady member in the school panchayat court. That means, the right of representation on the court has been given to the women. It was accepted that one of the Members should be a lady member on the court. Now the amendment proposed is, in the absence of a lady member in any local authority, according to the amendment proposed by the Education Minister, any other member of such local authority may be appointed by the Director. So, if that lady member is not available, it clearly means from the amendment that a male member may be appointed in that place. That means that the right that the original Bill gives for the women to be represented on the court is taken away by the amendment proposed by the Minister. So, I want that in any case a woman should be represented on that court. That is why I propose that if a lady member of local authority is not available, a woman ordinarily residing in the area over which the local authority has jurisdiction may be nominated,—a woman from the area of gram panchayat. So, I want that right of woman to be represented on that court should be retained and maintained. That is my intention and I look at it from that view point. I urge on the Hon'ble Deputy Minister to accept my amendment, so that in any case the representation for woman is maintained in that court.

Secondly Sir, about the nomination, I am glad to see that the point made out by Hon'ble colleague Shri V. S. Patil about nomination made by the Education Inspector has been seen through by the Government.

Instead of the Education inspector, Government is going to give power to the Director. One person in the place of another person. Instead of the Education Inspector, they are now authorising the Director to nominate the lady member. Instead of that I propose that the Government may make nomination just as they do in other cases.

If the Hon'ble Minister is willing to accept the amendment of my friend Shri V. S. Patil and concede the right of electing the lady member to the local authorities, I have no objection. If that is not accepted by the Government, then I request Government at least to accept my amendment that Government should make these nominations.

Sir, the same argument applies to the other amendment. Instead of the Director, I would like to propose that the Government should be empowered to nominate, because the Government, it is expected, would take all considerations relevant to the case, call for reports, from the lower offices and after a thorough examination of the case, it is expected that Government would to the right kind of nomination. It is a request Sir.

With these words, I request the Hon'ble Minister to accept my amendment.

†Sri V. SRINIVASA SHETTY (Coondapur).—Sir, I have an amendment and in view of my earlier amendment was rejected, this may not be necessary. But I should like to say one or two words. With regard to this clause. I should seriously and emphatically say that I am opposed to the principle of Panchayat courts being entrusted with powers of trying these cases under this Act. One difficulty arises. The attendance officer, practically he is of the grade of an Education Inspector. Does the Government believe that he will be in a position to come before that court and give evidence in the panchayat court, and attend every adjournment and so on? Does the Government feel that this is practical that an officer of the status of an inspector of schools will dance attendance before the Panchayat Court consisting of small people?

Sri ANNARAO GANAMUKHI.—Section 18 is very clear—"or any other person authorised in this behalf".

Sri V. SRINIVASA SHETTY.—Some body who will have no objection to appear before the panchayat court. Lots of difficulties will arise. Even a revenue Inspector is not prepared to give dance-attendance and give evidence before the panchayat court. Does the Government believe that the Inspector of Schools practically of the same grade will be in a position to give dance-attendance before the panchayat court practically consisting of illiterate people who will have to be taught law? There are difficulties which I wanted to avoid. If the Government wants to rush into these things, I have no objection. I wish them all success in their enterprise.

Sri ANNARAO GANAMUKHI.—Sir, I oppose the amendment moved by my friend Sri V. S. Patil and Sri B. R. Sunthakar. The Chairman and the vice-chairman of the panchayat are the *ex-officio* members of the court. The contention is that if there are more than one lady member, one may be elected by the panchayat itself. Here there was an apprehension. There was no objection to have such an election if there are more than one lady member. But the difficulty that was seen was that if an election dispute arises in any case, unless that dispute is elected, the court may not be functioning for long periods. That was the apprehension.

In order to remove that apprehension one member who is already an elected member can be nominated by the D.P.I. Otherwise it may not be practicable because if election disputes arise then panchayat courts may not be constituted for a long time and consequently cases cannot be tried. So Government have retained the power of dominating a lady member by the D. P. I.

Sri Sunthakar wants "a woman ordinarily residing in the area over which the local authority has jurisdiction, to be appointed by the Government". What we want is a person who is already elected to the local authority and nobody outside the local authority. Where there is no elected lady member in the local authority, in the alternative we have said that a male member may be appointed.

Otherwise we would have to go outside the elected body and select some lady member outside the local authority. That may not be good because she may not be an elected member. That is why we have said where there is an elected lady member in the local authority, any other elected male member may be appointed in the place.

Then my friend Sri Sunthankar that Government should take the power of nominating and this power should not be given to the D. P. I. There was a contention that the D. E. O. may not always select the proper person and so this power should not be given to him. Taking that as the genuine grievance we thought of giving this power to the D. P. I., but now the Hon'ble Member wants that Government should take this power. I do not think that such cases should come to Government for nomination. It may not be practical and therefore I cannot accept it.

MR. DEPUTY SPEAKER.—I will put the amendments of Sri V.S. Patil. The question is :

"That in the proposed amendment No. 4, in sub-clause (1) (a) (iii) for the words 'appointed by the Director', the words 'elected by the Panchayat', shall be substituted."

In the proposed amendment No. 4, in sub-clause (1) (b) (iii), for the words 'appointed by the Director', the words 'if there are more lady members in the panchayat than one, then elected by the Panchayat' shall be substituted."

The amendment was negatived.

MR. DEPUTY SPEAKER.—Then I shall put Sri Sunthankar's amendment. The question is :

"That in the proposed amendment (No.4), in sub-clause (1)(a) (iii) for the words 'any other member of such local authorities appointed by the Director', the words 'a woman ordinarily residing in the area over which the local authority has jurisdiction, appointed by the Government', shall be substituted"

in sub-clause (1) (b) (iii) for the word "Director", the word "Government", shall be substituted".

The amendment was negatived.

MR. DEPUTY SPEAKER.—Now I will put the amendment of the Minister. The question is :

(1) "That for sub-clauses (1) and (2), the following sub-clauses shall be substituted, namely.—

(1) Every primary School Panchayat Court shall consist of the following three members, namely.—

(a) In the case of an urban area referred to in clause (b) of section 15,

(Mr. DEPUTY SPEAKER)

(i) the President or Chairman of the local authority of such urban area.

(ii) the Vice-President or Vice-Chairman of the Local authority of such urban area;

(iii) a lady member of such local authority, and where there is no lady member, any other member of such local authority, appointed by the Director;

(b) in the case of a villager referred to in clause (c) of section 15;

(i) the Chairman of the Village Panchayat or Town panchayat as the case may be;

(ii) the Vice-Chairman of the Village Panchayat or Town Panchayat as the case may be;

(iii) a lady member of the Village Panchayat or Town Panchayat, as the case may be, appointed by the Director.

(2) The president or the Chairman shall be the Chairman of the Primary School Panchayat Court, and in the absence of the President or the Chairman, the Vice-President or the Vice-Chairman shall be the Chairman of the Court"

(2) In sub-clause (5), for the words, "a magistrate", the words "a magistrate of the Second Class", shall be substituted.

The motion was adopt d.

Mr. DEPUTY SPEAKER.—The question is:

"That Clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is:

"That Clauses 17 to 21 both inclusive stand part of the Bill."

The motion was adopted

Clause 17 to 21 both inclusive were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 22.

Sri V. S. PATIL.—Sir, I beg to move:

"That in clause 22 for the words "such percentage" the words "the whole of the expenditure" shall be substituted.

Mr. DEPUTY SPEAKER.—Amendment moved:

"That in clause 22 for the words "such percentage" the words "the whole of the expenditure" shall be substituted."

†Sri V. S. PATIL.—Sir, under article 45 of the Constitution it is the duty of the State Government to provide free and compulsory education within ten years from the commencement of the Constitution. The article reads ;

“The state Government shall endeavour to provide within a period of ten years from the commencement of this Constitution free and compulsory education for children until they complete the age of 14 years.”

Here the word “free” is quite apparent. It leaves no doubt and is not capable of any other interpretation than that Government must bear the whole cost of compulsory education. But clause 22 in the Bill says: “The State Government shall in respect of every scheme submitted by an authorized municipality and sanctioned under section 4 bear such percentage of the recurring and non-recurring cost of the scheme as it may from time to time determine”. This clause is contrary to the Constitution itself. Government have no other go but to bear the whole expenditure if it is to be made free and compulsory. To charge the local authority or school board with any expenditure so far as compulsory primary education is concerned is against the very spirit of our Constitution. It has been said that so far as old Mysore area is concerned, Government are responsible and are bearing the whole cost of primary education. If that is the case and if my interpretation of article 45 is correct, then it is not proper to charge any percentage of the cost of compulsory education to the local authority who have already to collect from the people various taxes and cesses. If the cost of this is also passed on them, it will be a very heavy burden. Already in the Bombay area we are paying one anna per rupee for education cess. That ought to be taken into consideration while enforcing this scheme. When this scheme is enforced that expenditure must be borne by Government otherwise our local bodies will not be able to meet the burden of this expenditure. This is the experience of Bombay area 1947. Every time when we wanted Government to increase the number of schools, Government used to say that they have no funds and that the suggestion would be considered during the next year. The same story was repeated every year. So the purpose with which we are trying to enforce compulsory primary education will be defeated because the local authorities are unable to meet such a huge expenditure. So I submit that clause 22 must be amended and the whole of the expenditure must be borne by Government and not charged to the local authorities.

†Sri ANNARAO GANAMUKI.—Sir, so far as compulsion and fees are concerned, the children of parents get freeship. The question is as to who should contribute towards the success of free compulsory primary education, whether the authorized municipality, local body or Government. That is the points for consideration. As it is, there are different systems prevailing in the Bombay area, South Kanara ex-Mysore area and Hyderabad. In the ex-Mysore area, Hyderabad and Coorg the expenditure on primary education is borne by Government whereas in

(Sri ANNARAO GANAMUKHI)

municipal areas of South Kanara and Bombay area the municipality also should contribute about 50% of the recurring and non-recurring expenditure.

4-(O P. M.)

This Bill is based on the actual situation as it is. When uniform municipal Bill is brought, then will think of bringing uniformity in all the areas of the State and whether the municipality should be charged with the duty of running primary education or not, is a question to be considered afterwards. But now as it is, whatever system is obtaining in all the areas, that system we will have to follow and therefore, this Bill has been brought and I should say that when the municipal Bill is brought, then that thing we can consider and so far as the District School Boards are concerned, we are going to take a policy decision in the near future. Then we may think of bringing uniformity in that respect in all the areas of the State. So while putting this clause here, we have to consider the existing position as it is and not the position which may obtain in future. Therefore, I oppose the amendment.

Sri V. S. PATIL.—I press my amendment.

Mr. DEPUTY SPEAKER.—The question is:

"That for the words 'such percentage' the words 'the whole expenditure' shall be substituted."

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 22 stand part of the Bill."

The motion was adopted

Clause 22 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is:

"That clauses 23 to 26 both inclusive stand part of the Bill."

The motion was adopted

Clauses 23 to 26 both inclusive were added to the Bill.

Mr. DEPUTY SPEAKER.—The question is:

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass

Smt. GRACE TUCKER.—Sir, I move:

"That the Mysore Compulsory Primary Education Bill, 1961 as amended be passed."

Mr. DEPUTY SPEAKER.—The question is :

* That the Mysore Compulsory Primary Education Bill, 1961 as amended be passed”.

The motion was adopted

MYSORE LAND REVENUE (SURCHARGE) BILL, 1961.

Motion to consider--Debate (contd.)

Mr. DEPUTY SPEAKER.—Before discussion is continued on the Mysore Land Revenue (Surcharge) Bill, I have to state that out of the allotted time of 2½ hours, 55 minutes are already over. There are many amendments and if necessary, we shall sit longer, because the Bill has to be disposed of to-day alone.

Sri B. D. JATTI.—We have discussed with the Leader of the Opposition and we have agreed that we shall sit till the Bill is finished.

Sri KADIDAL MANJAPPA —I would like to suggest that till 5.30 discussion can be carried on and thereafter the reply will be given and the amendments to the clauses will be disposed of.

MR. DEPUTY SPEAKER.—Yes, Sri Kenchappa will continue.

† ಕೆ. ಕೆಂಚಪ್ಪ.—ನಾನು ನೆನ್ನೆಯದಿವನ ಸಂಭಾರ್ಜಿ ಎಷ್ಟುಬನ್ನಾ ಮಾತನಾಡುತ್ತೇ
ತೆಗೆಯನ್ನಾ ರ್ಯಾಂಡರಿನನ್ನೂ ಮೇಲೆ ಎನ ಬೇಕಾಗಿತ್ತೆ. ರ್ಯಾಂಡರಿನನ್ನೂ ಎಂದೆನು
ಎಂಬುದರಮೇಲೆ ಅರ್ಥವಿದರೇ ನೋಡಿಕೊಂಡು ಈ ಸಂಭಾರ್ಜಿ ಹಾಕುತ್ತಿದ್ದು ನೆಮ್ಮೇ
ಅಲ್ಲವೇ ಎಂದು ನನ್ನ ಪರಿಶೀಲನೆ ಮಾಡೋಣವೆಂದರೆ ಯಾವ ಕಾನೂನನ್ನೂ-ಅಂದರೆ ರ್ಯಾಂಡ
ರಿನನ್ನೂ ಕೋಡಿನನ್ವಾಗಲೀ. ರೂಲಿನನ್ವಾಗಲೀ ಎಲ್ಲಯೂ ಇದರ ವಿಚಾರವನ್ನೇ ಹೇಳಲ್ಲ. ಹೀಗೆ
ಎಲ್ಲಯೂ ಈ ಸಂಭಾರ್ಜಿವೆಂದು ಒಂದು ಟ್ಯಾಕ್ಸ್ ಆಗುತ್ತದೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಅನ್ನುವು
ದನ್ನು ಎಲ್ಲಯೂ ಹೇಳಲಿದೆ ಇರುವುದರಿಂದ, ಸರ್ಕಾರದವರು ಇಂಥ ಯಾವ ಒಂದು ತೆರಿಗೆಯನ್ನೇ
ಹಾಕಲಿ, ಅದು ಇಷ್ಟನ್ನೇ ಸ್ವತಃ ಪ್ರಕಾರ ಅಂತಹೇಳಬೇಕು. ಹಾಗೆ ಹೇಳಿದೆ ಇರುವುದರಿಂದ ಈ
ಟ್ಯಾಕ್ಸ್ ಆರ್ಟಿಕಲ್ 26ರ ಪ್ರಕಾರ ಅಕ್ಕಮದಾಗುತ್ತದೆ. ಆ ಆರ್ಟಿಕಲ್ ಪ್ರಕಾರ ಈ ಭಾರ್ಜಿ
ಹಾಕಕೂದದು ಎಂತ ಹೇಳುತ್ತೇನೆ. ಈಗ ಈ ಸಂಭಾರ್ಜಿನನ್ನು ರ್ಯಾಂಡರಿನನ್ನೂ ಮೇಲೆ
ಹಾಕುತ್ತೇವೆಂದು ಹೇಳಿರುವುದರಿಂದ ಈಗ ಇದು ಒಂದು ಟ್ಯಾಕ್ಸ್ ಆಗುತ್ತದೆಯೇ ಅಥವಾ
ಇಲ್ಲವೇ ಎಂತಕ್ಕೆ ಪ್ರಶ್ನೆಯಿಂದ ಉದ್ಭವವಾಗುತ್ತೆ. ಮುಂದೆ ಈ ವಿಚಾರ ಕೋರ್ಟಿನ ಮುಂದೆ
ಶಿರ್ಷಾರ್ಥಕ್ಕೆ ಹೋದಾಗ ಸರ್ಕಾರಕ್ಕೆ ದೊಡ್ಡ ಬಿಸ್ತಾಣೆ ಬರುತ್ತದೆ. ಆದ್ದರಿಂದ
ಸರ್ಕಾರದವರು ಈಗ ಈ ಭಾರ್ಜಿಹಾಕುವುದು ದೊಡ್ಡ ತಪ್ಪಾಗುತ್ತೆ. ನಮ್ಮಕುಂದುತಾನೆ
ದಿಲ್ಲ ಈ ಬಗ್ಗೆ ಒಂದು ಕಾಣಿಪೆ. ಅದು 25ನೇ ಕಾಣಿಪೆ: ಈ ಕಾಣಿಪಿಲ್ಲ ಯಾವ ಯಾವ ತೆರಿಗೆ
ಟ್ಯಾಕ್ಸ್ ಆಗುತ್ತದೆ; ಯಾವ ತೆರಿಗೆ ದ್ಯುಟಿ ಆಗುತ್ತೆ, ಯಾವ ತೆರಿಗೆ ಫಿಜ್ ಆಗುತ್ತದೆ.
ಯಾವುದು ಡೈರೆಕ್ಟ್ ಆಗಿ ಜನರಮೇಲೆ ಬೀಳುತ್ತೆ: ಯಾವ ಟ್ಯಾಕ್ಸ್ ಜನರ
ಮೇಲೆ ಇಡಬೇಕಾಗಿ ಬೀಳುತ್ತೆ ಅನ್ನುವುದಕ್ಕೆಲ್ಲ ಅಗತ್ಯ ಹೇಳುತ್ತೆ. ಅದೂ
ಈಗಿನ ಕಾಲದಲ್ಲಿ ಅಂಥಾ ಶಾಸನವು ಇರುವಾಗ ಯಾವ ತೆರಿಗೆಯನ್ನಾಗಲೀ ಈ ಶಾಸನ
ಪಡೆಯುವರು ಒಪ್ಪಿಗೆ ಇಲ್ಲದೆ ಹಾಕಲಕ್ಕೆ ಬರುವುದಿಲ್ಲ. ಇದು ಅಂಥ ವಿರುದ್ಧವಾದ ಬಿಲ್ಲ್
ಗಿದೆ. ಆದ್ದರಿಂದ ಈ ಸಂಭಾರ್ಜಿ ಬಿಲ್ಲು ನ್ಯಾಯಕ್ಕೆ ಎರುದ್ದವಾದದ್ದು. ಆದರೆ ಇದರ